

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

IN RE: AQUEOUS FILM-FORMING FOAMS  
PRODUCTS LIABILITY LITIGATION

) Master Docket No.:  
) 2:18-mn-2873-RMG

---

CITY OF CAMDEN, et al.,

*Plaintiffs,*

-vs-

E.I. DU PONT DE NEMOURS & COMPANY (n/k/a  
EIDP, INC.), et al.,

*Defendant.*

---

)  
) Civil Action No.:  
) 2:23-cv-03230-RMG  
)  
)  
)  
)  
)  
)  
)  
)

**MOTION FOR EXTENSION OF TIME FOR THE SOVEREIGNS TO RESPOND TO  
CERTAIN PLAINTIFFS’ MOTION FOR PRELIMINARY APPROVAL OF THE CLASS  
ACTION SETTLEMENT BETWEEN PUBLIC WATER SYSTEMS AND THE DUPONT  
DEFENDANTS**

Pursuant to Local Rules 6.01 and 7.02 and Your Honor’s Special Instructions, the states of California, Colorado, Hawaii, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New Hampshire, New York, North Carolina, Oregon, Rhode Island, Tennessee, Texas, Vermont, and Wisconsin as well as the District of Columbia and Puerto Rico (collectively, “Sovereigns”)<sup>1 2</sup>, by and through their undersigned attorneys, hereby move for an Order to enlarge the deadline to respond to certain Plaintiffs’<sup>3</sup> Motion for Preliminary Approval of the Class Action

---

<sup>1</sup> To avoid unnecessary repetition, Movants incorporate by reference arguments presented in Motion for Extension of Time for the States to Respond to Certain Plaintiffs’ Motion for Preliminary Approval of the Class Action Settlement Between Public Water Systems and 3M Company (ECF No. 3405).

<sup>2</sup> Movants herein also include state and sovereign agencies.

<sup>3</sup> Those Plaintiffs are: City of Camden, City of Brockton, City of Sioux Falls, California Water Service Company, City of Del Ray Beach, Coraopilis Water & Sewer Authority and Dalton Farms Water System, City of South Shore, City of Freeport, Martinsburg Municipal Authority, Seaman

Settlement Agreement Between Public Water Systems and The Chemours Company, The Chemours Company FC, LLC, DuPont de Nemours, Inc., Corteva, Inc., and E.I. DuPont de Nemours and Company n/k/a EIDP, Inc. (ECF Nos. 3392, 3393-2) (the “DuPont Settlement” or the “DuPont Settlement Agreement”) by fourteen (14) days, from Monday July 24, 2023 to Monday August 7, 2023. This is the Sovereigns’ first request to enlarge the deadline, is consistent with the relief sought in connection with preliminary approval of the 3M settlement that the Court recently partially granted (ECF No. 3408), and will not impact any other deadlines before this Court. The Sovereigns independently and through the Sovereign Committee attempted to confer with putative Class Counsel, who have not yet been able to take a position on the timing of this request given ongoing discussions with the DuPont entities as of the time of filing. This request is for good cause and not for purposes of delay, as explained more fully below.

The Sovereigns are currently meeting and conferring with putative Class Counsel, 3M, and the MDL Sovereign Committee to address the concerns outlined in ECF No. 3405 and the related joinders. While some of the same questions, concerns, and ambiguities are present in the DuPont Settlement Agreement that Sovereigns are presently addressing in the 3M Settlement Agreement, additional concerns are present here that require separate discussion, including but not limited to the request for an injunction imposed on class members and non-class members under the All Writs Act. In addition, like the 3M Settlement Agreement, the DuPont Settlement relates to matters of profound importance to the Sovereigns in their roles as trustees of natural resources and in the exercise of their *parens patriae* authority to protect public health and the environment.

A brief pause to allow the Sovereigns to continue discussion with putative Class Counsel and The Chemours Company, The Chemours Company FC, LLC, DuPont de Nemours, Inc.,

---

Cottages, Village of Bridgeport, City of Benwood, Niagara County, City of Pineville, and City of Iuka (hereinafter, the “Settlement Plaintiffs”).

Corteva, Inc., and E.I. DuPont de Nemours and Company (together, “DuPont”) and adequate time to complete their review of a highly complex settlement agreement, discuss their concerns with interim Class Counsel and counsel for DuPont, and provide the Court with a well-considered and thoughtful response is in the best interests of all concerned parties.

Given the complexity of the DuPont Settlement, the concurrent conferral related to the 3M Settlement Agreement, and the voluminous filings with the Court, the Sovereigns request an additional fourteen (14) days to fully review, evaluate, and consider the DuPont Settlement. This short delay will not prejudice any parties or undermine the DuPont Settlement. Thus, the States respectfully request a fourteen (14) day extension of the deadline to respond to the Motion for Preliminary Approval of the DuPont Settlement from Monday July 24, 2023 to Monday August 7, 2023.

Respectfully submitted,

**ROB BONTA**

**Attorney General of California**

EDWARD H. OCHOA (SBN 144842)

Senior Assistant Attorney General

JEREMY M. BROWN (SBN 269159)

Supervising Deputy Attorney General

NICHOLAS G. CAMPINS (SBN 238022)

BRENDAN J. HUGHES (SBN 333690)

Deputy Attorneys General

1515 Clay Street, 20th Floor

Oakland, CA 94612

Telephone: (510) 879-0801

Fax: (510) 622-2270

Email: Nicholas.Campins@doj.ca.gov

/s/ Nicholas G. Campins

NICHOLAS G. CAMPINS

Deputy Attorney General

**PHILIP J. WEISER**  
**STATE OF COLORADO**  
**ATTORNEY GENERAL**

/s/ Heather Kelly

PHILIP J. WEISER, Attorney General

LESLIE EATON, Atty Reg. No. 17791\*

HEATHER KELLY, Atty Reg. No. 36052\*

CARRIE NOTEBOOM, Atty Reg. No. 52910\*

First Assistant Attorneys General

Ralph L. Carr Judicial Center

1300 Broadway, 10<sup>th</sup> Floor

Denver, CO 80203

Telephone: (720) 508-6000

FAX: (720) 508-6040

\*Counsel of Record

**STATE OF HAWAII**  
**ANNE E. LOPEZ**  
**ATTORNEY GENERAL**

/s/ Wade H. Hargrove III

WADE H. HARGROVE

Deputy Attorney General

465 S. King Street, #200

Honolulu, Hawaii 96813

(808) 587-3050

Wade.H.Hargrove@hawaii.gov

**STATE OF MAINE**  
**AARON M. FREY**  
**ATTORNEY GENERAL**

/s/ Matthew F. Pawa

Matthew F. Pawa

Benjamin A. Krass

SEEGER WEISS LLP

1280 Centre Street, Suite 230

Newton Centre, MA 02459

Phone: (617) 641-9550

MPawa@seegerweiss.com

BKrass@seegerweiss.com

**ANTHONY G. BROWN**  
**Attorney General of Maryland**

/s/ Patricia Tipon

---

PATRICIA V. TIPON

Attorney No. 0806170244

JULIE KUSPA

Attorney No. 0912160009

MATTHEW ZIMMERMAN

Attorney No. 8005010219

Assistant Attorneys General

Office of the Attorney General

1800 Washington Boulevard, Suite 6048

Baltimore, Maryland 21230

patricia.tipon@maryland.gov

matthew.zimmerman@maryland.gov

julie.kuspa@maryland.gov

(410) 537-3061

(410) 537-3943 (facsimile)

ADAM D. SNYDER

Attorney No. 9706250439

Assistant Attorney General

Office of the Attorney General

301 West Preston Street, Suite 1101

Baltimore, Maryland 21201

adam.snyder1@maryland.gov

(410) 767-1409

**COMMONWEALTH OF MASSACHUSETTS**  
**OFFICE OF THE ATTORNEY GENERAL**

/s/ Nancy E. Harper

---

NANCY E. HARPER

Assistant Attorney General and Chief, Environmental Protection Division

I. ANDREW GOLDBERG

LOUIS DUNDIN

JILLIAN RILEY

Assistant Attorneys General

OFFICE OF THE ATTORNEY GENERAL

One Ashburton Place, 18th Floor

Boston, Massachusetts 02108

(617) 727-2200

(617) 727-9665 (facsimile)

betsy.harper@mass.gov

andy.goldberg@mass.gov

louis.dundin@mass.gov

jillian.riley@mass.gov

**STATE OF MINNESOTA  
OFFICE OF THE ATTORNEY GENERAL**

/s/ Peter N. Surdo

Special Assistant Attorney General  
Office of the Minnesota Attorney General  
445 Minnesota Street  
Suite 1400  
St. Paul, Minnesota 55101  
peter.surdo@ag.state.mn.us  
Phone: (651) 757-1061

**STATE OF NEW HAMPSHIRE  
By its attorney,  
JOHN M. FORMELLA  
ATTORNEY GENERAL**

/s/ Christopher G. Aslin

Christopher G. Aslin, NH Bar # 18285  
Senior Assistant Attorney General  
Environmental Protection Bureau  
New Hampshire Department of Justice  
33 Capitol Street  
Concord, NH 03301  
(603) 271-3679  
christopher.aslin@doj.nh.gov

**FOR THE STATE OF NEW JERSEY  
MATTHEW J. PLATKIN  
Attorney General**

By: /s/ Gwen Farley

GWEN FARLEY  
Deputy Attorney General  
Office of the Attorney General  
Environmental Enforcement &  
Environmental Justice Section  
R.J. Hughes Justice Complex  
25 Market Street, P.O. Box 083  
Trenton, NJ 08625-0093  
Phone: (609) 376-2740  
Gwen.Farley@law.njoag.gov

**RAÚL TORREZ**  
**ATTORNEY GENERAL OF NEW MEXICO**

/s/ William Grantham

**William Grantham**  
**Assistant Attorney General**  
408 Galisteo Street  
Santa Fe, NM 87501  
wgrantham@nmag.gov  
Phone: (505) 717-3520

**STATE OF NEW YORK**  
**LETITIA JAMES**  
**ATTORNEY GENERAL**

/s/ Muhammad Umair Khan

Muhammad Umair Khan  
Senior Advisor & Special Counsel  
Umair.Khan@ag.ny.gov  
Philip Bein  
Mihir Desai  
Assistant Attorneys General  
Philip.Bein@ag.ny.gov  
Mihir.Desai@ag.ny.gov  
Office of the New York Attorney General  
28 Liberty St.  
New York, NY 10005  
(212) 416-6685

**STATE OF NORTH CAROLINA**  
**JOSHUA H. STEIN**  
**ATTORNEY GENERAL**

/s/ Daniel S. Hirschman

Daniel S. Hirschman  
Senior Deputy Attorney General  
dhirschman@ncdoj.gov  
Marc Bernstein  
Special Deputy Attorney General  
mbernstein@ncdoj.gov  
North Carolina Department of Justice  
P.O. Box 629  
Raleigh, NC 27602-0629  
(919) 716-6600

**ELLEN F. ROSENBLUM**

**Attorney General**

/s/ Lisa Udland

**Udland, Lisa**, OSB No. 964444  
Special Counsel to the Attorney General  
Email: lisa.udland@doj.state.or.us  
Oregon Department of Justice  
100 SW Market Street  
Portland, OR 97201  
Telephone: (971) 673-1880

**STATE OF RHODE ISLAND,**

**PETER F. NERONHA**

**ATTORNEY GENERAL**

By Its Attorneys,

/s/ Alison Hoffman

**ADI GOLDSTEIN** (Bar No. 6701)  
**MIRIAM WEIZENBAUM** (Bar No. 5182)  
**SARAH W. RICE** (Bar No. 10588)  
**ALISON HOFFMAN** (Bar No. 9811)  
**DEPARTMENT OF THE ATTORNEY GENERAL**  
150 South Main Street  
Providence, RI 02903  
Tel. (401) 274-4400  
agoldstein@riag.gov  
mweizenbaum@riag.gov  
srice@riag.gov  
ahoffman@riag.gov

**JONATHAN SKRMETTI** (BPR No. 31551)

**ATTORNEY GENERAL AND REPORTER**

**STATE OF TENNESSEE**

/s/ Sohnia Hong

**Sohnia W. Hong** (BPR No. 17415)  
Deputy Attorney General  
**Amanda E. Callihan** (BPR No. 035960)  
Senior Assistant Attorney General  
Office of the Tennessee Attorney General  
Environmental Division  
P.O. Box 20207  
Nashville, Tennessee 32707  
Sohnia.Hong@ag.tn.gov  
Amanda.Callihan@ag.tn.gov



**TEXAS OFFICE OF THE ATTORNEY GENERAL**

ANGELA COLMENERO

Provisional Attorney General

/s/ Katie Hobson

KATIE B. HOBSON

Assistant Attorney General, State Bar No. 24082680

KELLIE E. BILLINGS-RAY

Deputy Chief, State Bar No. 24042447

Environmental Protection Division

P. O. Box 12548, MC-066

Austin, Texas 78711-2548

Tel: (512) 463-2012

katie.hobson@oag.texas.gov

kellie.billings-ray@oag.texas.gov

**STATE OF VERMONT**

**CHARITY R. CLARK**

**ATTORNEY GENERAL**

/s/ Laura B. Murphy

Laura B. Murphy

Assistant Attorney General

109 State Street

Montpelier, VT 05609-1001

(802) 828-3186

laura.murphy@vermont.gov

**JOSHUA L. KAUL**

**Attorney General of Wisconsin**

/s/ Bradley J. Motl

BRADLEY J. MOTL

Assistant Attorney General

State Bar #1074743

SARAH C. GEERS

Assistant Attorney General

State Bar #1066948

Wisconsin Department of Justice

Post Office Box 7857

Madison, Wisconsin 53707-7857

(608) 267-0505 (Motl)

(608) 266-3067 (Geers)

(608) 267-2778 (Fax)

motlbj@doj.state.wi.us

geerssc@doj.state.wi.us

**DISTRICT OF COLUMBIA**

BRIAN L. SCHWALB

Attorney General for the District of Columbia

JENNIFER C. JONES

Deputy Attorney General

Public Advocacy Division

ARGATONIA D. WEATHERINGTON

Chief, Social Justice Section

By: /s/ Wesley Rosenfeld

WESLEY ROSENFELD

Assistant Attorney General

LAUREN CULLUM

Special Assistant Attorney General

Office of the Attorney General for the District of Columbia

400 Sixth Street NW, 10th Floor

Washington, D.C. 20001

Tel: 202.368.2569

wesley.rosenfeld1@dc.gov

lauren.cullum@dc.gov

EDELSON PC

By: /s/ Jimmy Rock

JIMMY ROCK

1255 Union St NE, 7th Floor

Washington, D.C. 20002

Tel: 202.270.4777

jrock@edelson.com

**COMMONWEALTH OF PUERTO RICO**  
DOMINGO EMANUELLI HERNÁNDEZ  
SECRETARY OF JUSTICE  
DEPARTMENT OF JUSTICE OF PUERTO RICO

By: /s/ Guarionex Díaz Martínez  
GUARIONEX DÍAZ MARTÍNEZ

Assistant Secretary  
Department of Justice  
PO Box 9020192  
San Juan, PR 00902-0192  
Tel: 787.721.2900  
gdiaz@justicia.pr.gov

EDELSON PC  
By: /s/ Jimmy Rock  
JIMMY ROCK  
1255 Union St NE, 7th Floor  
Washington, D.C. 20002  
Tel: 202.270.4777  
jrock@edelson.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and a copy thereof was served via the CM/ECF system upon all counsel of record.

/s/ William J. Jackson

William J. Jackson

TX Bar No. 784325

KELLEY DRYE & WARREN LLP

515 Post Oak Blvd. Suite 900

Houston, Texas 77027

Ph. (713) 355-5000

Fax (713) 355-5001

BJackson@KelleyDrye.com